

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1014, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 1, delete lines 1 through 17, begin a new paragraph and insert:  
2           "SECTION 1. IC 22-9-2-1 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. For the purpose of  
4           this chapter:  
5           "Discrimination" shall mean dismissal from employment of, or  
6           refusal to employ or rehire any person because of his age, if such  
7           person has attained the age of forty (40) years and has not attained the  
8           age of ~~seventy (70)~~ **seventy-five (75)** years.  
9           "Person" shall mean and include an individual, partnership, limited  
10          liability company, corporation, or association.  
11          "Employer" shall mean and include any person in this state  
12          employing one (1) or more individuals, labor organizations, the state  
13          and all political subdivisions, boards, departments and commissions  
14          thereof, but does not include:  
15               (1) religious, charitable, fraternal, social, educational or sectarian  
16               corporations, or associations not organized for private profit, other  
17               than labor organizations and nonsectarian corporations, or  
18               organizations engaged in social service work; or  
19               (2) a person or governmental entity which is subject to the federal

Age Discrimination in Employment Act (29 U.S.C. 621 et seq.).

SECTION 2. IC 22-9-2-2 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2009]: Sec. 2. It is declared to be an unfair  
employment practice and to be against public policy to dismiss from  
employment, or to refuse to employ or rehire, any person solely  
because of his age if such person has attained the age of forty (40)  
years and has not attained the age of ~~seventy (70)~~ **seventy-five (75)**  
years.

SECTION 3. IC 22-9-2-3 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2009]: Sec. 3. It is hereby declared to be an  
unfair employment practice for any labor organization to deny full and  
equal membership rights to any applicant for membership or to fail or  
refuse to classify properly or refer for employment any member solely  
because of the age of such applicant or member if such person has  
attained the age of forty (40) years and has not attained the age of  
~~seventy (70)~~ **seventy-five (75)** years.

SECTION 4. IC 22-9-2-4 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Any provision in any contract,  
agreement or understanding entered into on or after October 1, 1965,  
but before October 1, 1979, which shall prevent or tend to prevent the  
employment of any person solely because of ~~his~~ **the person's** age, who  
has attained the age of forty (40) years and has not attained the age of  
sixty-five (65) years shall be null and void.

(b) Any provision in any contract, agreement or understanding  
entered into after September 30, 1979, **and before July 1, 2009**, which  
prevents or tends to prevent the employment of any person solely  
because of ~~his~~ **the person's** age, who has attained the age of forty (40)  
years and has not attained the age of seventy (70) years is null and  
void.

**(c) Any provision in any contract, agreement, or understanding  
entered into after June 30, 2009, that prevents or tends to prevent  
the employment of any person who has attained forty (40) years of  
age and has not attained seventy-five (75) years of age solely  
because of the person's age is null and void.**

SECTION 5. IC 22-9-2-11 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. Nothing contained  
herein shall be deemed to repeal any of the provisions of any law of  
this state relating to discrimination because of age, race or color,

1 religion, or country of ancestral origin. Nothing herein shall be deemed  
 2 to limit, restrict or affect the freedom of any employer in regard to (a)  
 3 fixing compulsory retirement requirements for any class of employees  
 4 at an age or ages less than ~~seventy (70)~~ **seventy-five (75)** years; (b)  
 5 fixing eligibility requirements for participation in, or enjoyment by  
 6 employees of, benefits under any annuity plan or pension or retirement  
 7 plan on the basis that any employee may be excluded from eligibility  
 8 therefor who, at the time he would otherwise become eligible for such  
 9 benefits, is older than the age fixed in such eligibility requirements; or  
 10 (c) keeping age records for any such purposes.

11 SECTION 6. IC 22-9-2-9 IS REPEALED [EFFECTIVE JULY 1,  
 12 2009].".

13 Delete pages 2 through 13.

14 Renumber all SECTIONS consecutively.

(Reference is to HB 1014 as reprinted February 10, 2009.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 7, Nays 1.

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**Kruse**

**Chairperson**